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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,391	03/31/2004	Lawrence J. Wrass	209595-82267	5365

7590

08/24/2006

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,391

Applicant(s)

WRASS, LAWRENCE J.

Examiner

Chapman E. Jeanette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>PATENT COPY WITH ANNOTATIONS</u> . |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsotsis (5518796). Tsotsis discloses a structural panel comprising:

1. a core 2/3/4
2. a first plate 1 attached to a first core face
3. a second plate 5 attached to a second core face
4. the core includes a unifying material 2/3/ 4
5. the unifying material includes a honeycomb shaped material 3
6. the honeycomb shaped material is fabricated from inorganic paper, a formable plastic, a thermoplastic fiber paper or metal or aluminum. See column 3, lines 42-45
7. the first and second plates are constructed fiber glass epoxy , graphite epoxy, graphite /phenolic
8. the core unifying material includes an X-Y grid structure

Claims 1 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutelan (6205728). Sutelan discloses structural panels interconnected by a wedge member 170 to form some part of a building structure. The shape and the material of the

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wedge has considered a matter of choice. One of ordinary skill in the art would have appreciated the type of building part to be constructed and would have selected the most applicable wedge in configuration and material to form the desired structure. In another embodiment, Figure 37, Sutelan disclose first and second structural roof panels 102 and a third cross tie panel 102. The first and second structural panels are fastened along associated adjacent edges. The third cross tie panel is connected between the first and second roof panels and connected to at least one of the first and second structural panels by way of a wedge member. See annotations on patented copy. The first second and third panels may include a core 130 having opposing faces, a first and second plate 129 and the core includes a unifying material. It would have been obvious to one of ordinary skill in the art to use the panels to form some part of a building by interconnecting the panels.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over Tsotsis. Tsotsis discloses the core/unifying material of a NOMEX fiber which lends itself to a knitted or woven structures. One of ordinary skill in the art would have appreciated employing the fiber in any grid structure capable of fulfilling the intended use, function and purpose of the panel.

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Claim(s) 4-6 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over Tsotsis in view of Wilson (6030483). Tsotsis includes a unifying material of epoxy (synthetic resin) (column 3, lines 39-55) foam that expands but lacks that of urethane. One of ordinary skill in the art would have appreciated all of the known adhesives used in the building industry and would have selected that which fulfills the intended use function and purpose of his structural panel.

Nevertheless, Wilson discloses a unifying material of polyurethane. See column 3, lines 5-10. Wilson also discloses that the core may include honeycomb shaped material which is composed of hexagonal members having one or more openings for accepting foam 30. See column 5, lines 61-65 and column 6, lines 54-64. In view of the above, it would have been obvious to employ a unifying material of urethane foam to impart any desired thickness and density to the panel and obvious to employ of any shape that would not interrupt the overall function and purpose of the panel as taught by Wilson.

Claim(s) 7-8 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over Tsotsis in view of Strumbos (3644158). Tsotsis lacks a frame member to form the structural panel. Strumbos discloses the frame member to contain the foam structure upon manufacture. The frame members encompass a peripheral portion of the core 10. It would have been obvious to one of ordinary skill in the art to form the panel of Tsotsis using the frame 18 of Strumbos to form the honey comb panel as taught by Strumbos. See column 4, lines 20-25.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-

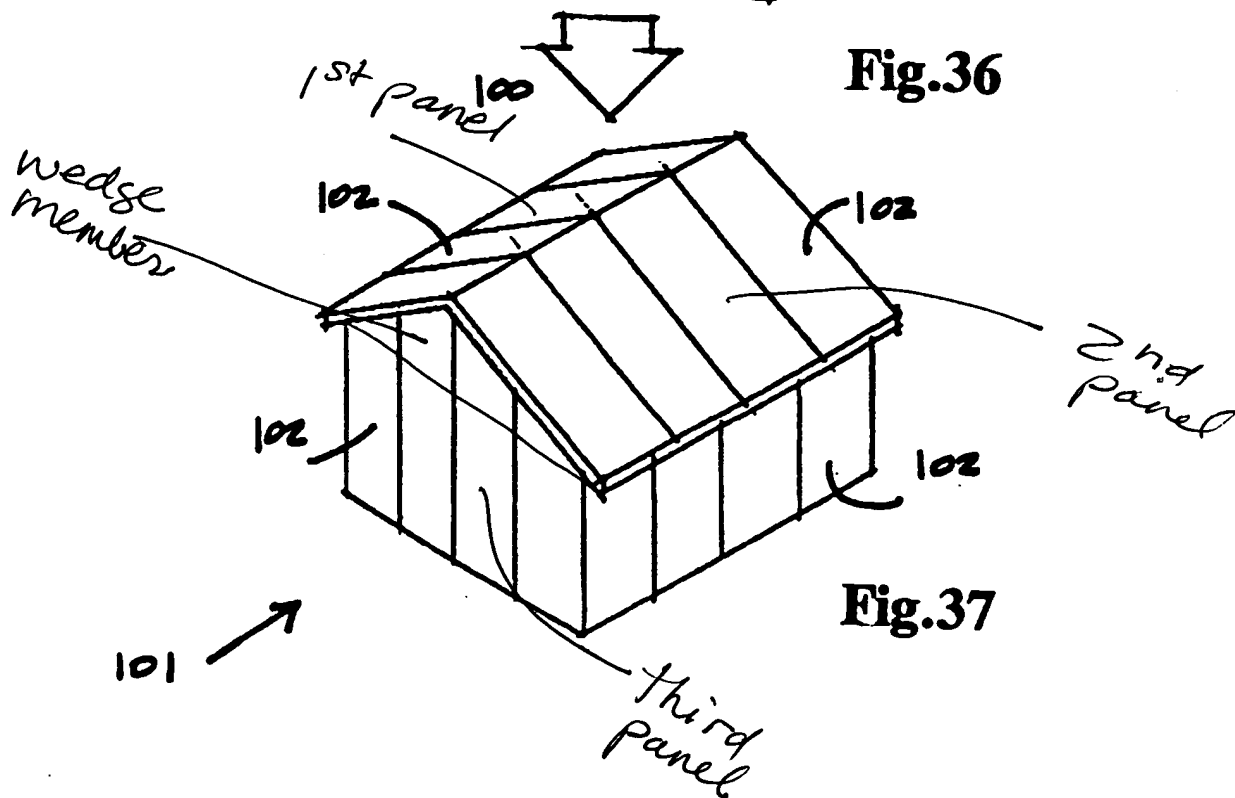
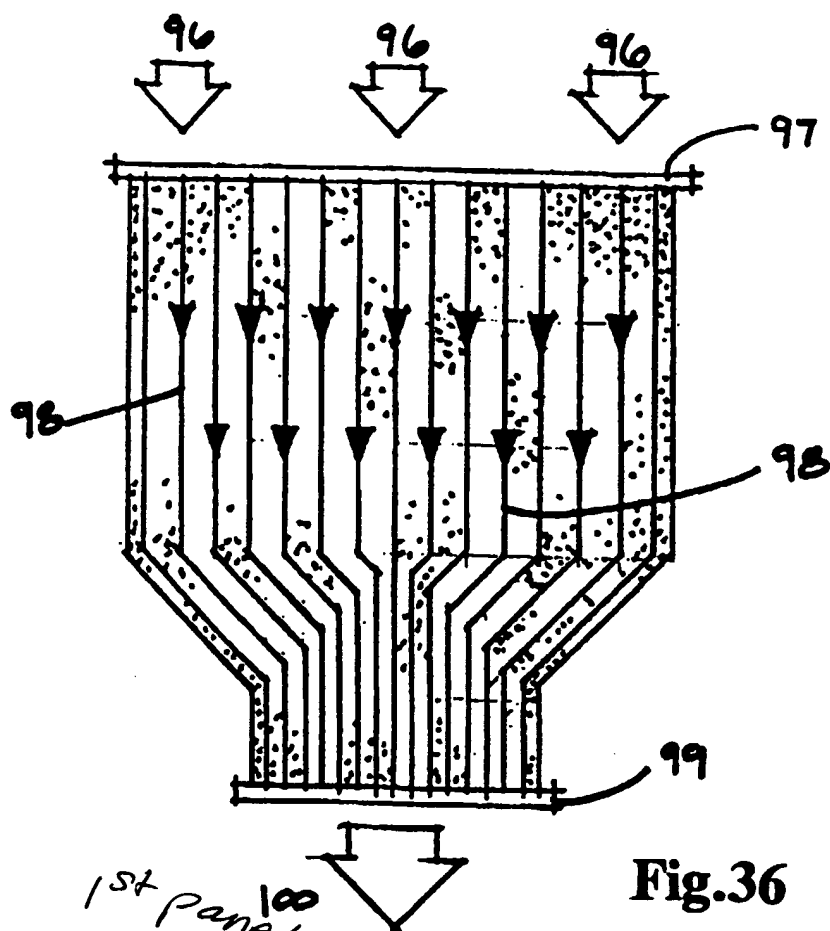
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272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEANETTE CHAPMAN
PRIMARY PATENT EXAMINER
ART UNIT 3635



PATENT COPY W/ANNOTATIONS